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**Comment Regarding the
Proposed Intercountry Adoption Act of 2000
Regulations**

Being an adoptive mother of seven children and an attorney working in adoption and consulting for adoption agencies, I have a unique view of adoption. I have several concerns about the regulations.

Americans have a long history of reaching out to those in need. Intercountry adoption is a wonderful way of helping a child, of giving a child a future that is otherwise impossible. In general individuals involved in adoption are altruistic --- seeking to serve the needs of children.

Many families choose to adopt because of infertility, another group of families adopt because they see the child in need. Many adoptive parents specifically look to intercountry adoption because the need is so evident: children are starving in Africa and Asia; female children are abandoned to orphanages in China; in India mothers pay midwives to kill newborn girls.

The proposed regulations will be costly. The cost created by these regulations will ultimately be born by adoptive families. The saddest effect of these regulations is that good potential parents will be denied the opportunity to adopt a child because of the burdensome cost. The family diversity that makes intercountry adoption unique will diminish. The regulations will have a chilling effect.

AUTHORIZING ENTITIES

It seems, at the least, wasteful to create a new layer of regulators. Each intercountry adoption agency must be licensed in at least one state. Several states, i.e., California, already regulate intercountry adoption agencies operating in the state. Why not make the various states adoption agency licensing authorities the authorizing entity for intercountry adoptions.

The state licensing authorities already have considerable experience in regulating and inspecting adoption agencies. The states have developed a level of expertise that cannot be duplicated by private entities. In addition the states already have the infrastructure in place, are familiar with the adoption agencies within their jurisdictions, and are better equipped to handle specific problems arising out of particular situations.

Adoption agencies tend to be spread out and not just concentrated in the major metropolitan areas. The states have the capacity to cover an entire state efficiently. The states are familiar with the parties and can bundle state licensing with intercountry authorizations in a way that two separate licensing authorities would not be able to do.

With the infra structure, expertise and knowledge already in place, why waste precious dollars on duplicating regulators, which in turn will increase the cost of doing business, which will increase the already burdensome cost of adoption. The states are the most cost-effective means of regulating the intercountry adoption industry.

Currently an adoption agency accreditation entity exists. The Council on Accreditation currently costs \$30,000 to \$40,000 for a medium size agency for initial accreditation and \$15,000 to \$20,000 in yearly maintenance costs. This regulation will dramatically increase overhead which will have to be passed on to adoptive parents. For a single adoption the cost increase would be more than \$1,000.00.

PROCEDURAL DUE PROCESS

The regulations, as they stand, afford little to no procedural due process in the accreditation process. If accreditation is denied, there must be procedural due process to protect the applicant agency from arbitrary decision making. Putting the states in charge of accreditation would solve this problem; State action has procedural due process in place.

INSURANCE

Careful consideration must be given to creating another layer of cost to adoption agencies, which in turn will roll down to adoptive families. Currently the insurance policy you are requiring is not available; therefore you cannot possibly have any idea of the cost of this regulation. Before creating a new insurance industry, careful consideration must be given to the real risks, occurrences, and other factors that play into risk assessment. One source has estimated that the insurance you require will increase the cost of an adoption by more than \$1000.00. This would be an increase of about 5% for each adoption, for this regulation alone.

Yes, there have been some terrible incidents where the child was not adequately prepared or assessed. Yes, there have been some terrible incidents where the prospective adoptive parent were not adequately prepared or assessed. Yes, there have been some terrible incidents where expectations did not match reality. Although these occur, when put on the scale of more than 19,000 intercountry adoptions annually, the risks are not as great as the media portrayal.

AUDIT

The cost of a certified non-profit financial audit for a medium sized non-profit organization is \$10,000 to \$15,000. Requiring such audits on a yearly basis would again add cost to the intercountry adoption, further burdening prospective adoptive families and waiting children.

LICENSED ADOPTION AGENCY INPUT

Because the time is short, a through evaluation of the issues is not possible. Before regulating intercountry adoption, the State Department would be better served to get more input from the licensed adoption agencies in this country and the states that license them. The Department of Health and Human Services maintains a list of over 1,000 adoption agencies. These agencies should be contact for comment and input. None of the adoption agencies I work with have had any contact from the State Department or from the contractor who drafted the initial regulations. The State Department has not contacted the real experts in regulating the adoption industry--- the states licensing authorities.

CHILLING EFFECT

The regulations as currently proposed would have a chilling effect on American's choice to adopt children from other countries. The cost per adoption due solely to these regulations will be more than \$3,000.00, about a 15% increase over the current cost. Governmental action that increases costs by this much needs to be carefully reconsidered and evaluated for more cost effective means of accomplishing the safety and permanency of children adopted from other countries.

Thank you for considering my comments on this important issue.

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